

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DAVID BRENT OLSON, SR.,

Plaintiff,

vs.

No. 1:13-cv-0231-PJK-WPL

CITY OF ALBUQUERQUE (aka
CABQ), ALBUQUERQUE POLICE
DEPARTMENT (aka APD), and DOE
DEFENDANTS 1-24,

Defendants.

ORDER OF DISMISSAL

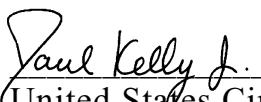
THIS MATTER comes on for consideration sua sponte, following the magistrate judge's Order to Amend Complaint, filed March 18, 2013 (Doc. 5).

Plaintiff filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against various Defendants alleging that he was arrested for videotaping certain officers while they were conducting a stop of a third party. Doc. 1. Mr. Olson filed this action because he is concerned that the limitations period may run while he is negotiating a settlement, although he provides no dates. The magistrate judge ordered Mr. Olson to file an amended complaint naming the arresting officers and including facts that would support municipal liability by April 18, 2013. No amended complaint having been filed, the complaint and action should be

dismissed without prejudice for non-compliance with the court's order. Fed. R. Civ. P. 41(b); Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1161–62 (10th Cir. 2007).

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that Plaintiff's complaint (Doc. 1) and action is dismissed without prejudice.

DATED this 2nd day of May 2013, at Santa Fe, New Mexico.



United States Circuit Judge
Sitting by Designation